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Attorneys for Defendant, State Farm Fire and Casualty Company (improperly pled as State Farm Insurance Company)

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

JEFFREY CIRZ and JESSICA GILHAM,

Civil Action No.:

Plaintiffs,

NOTICE OF REMOVAL

v.

STATE FARM INSURANCE COMPANY,

Defendant.

**TO: THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

PLEASE TAKE NOTICE that defendant, State Farm Fire and Casualty Company, improperly pled as State Farm Insurance Company (hereinafter "State Farm"), hereby removes the above entitled action from the Superior Court of New Jersey, Law Division, Ocean County, to the United States District Court for the District of New Jersey, pursuant to 28 U.S.C. § 1332(a)(1) and 28 U.S.C. § 1441, et seq. and alleges as follows:

1. An action has been commenced and is now pending in the Superior Court of New Jersey, Law Division, Ocean County, entitled Jeffrey Cirz and Jessica Gilham v. State Farm Insurance Company, under Docket Number OCN-L-1528-17 (**Exhibit 1**).

2. Corporation Service Company accepted service of the Summons and Complaint on behalf of State Farm on June 14, 2017 (**Exhibit 2**).

3. Based on the foregoing, defendant has filed this Notice of Removal within thirty (30) days of receipt as required by U.S.C. § 1446(b). No further proceedings have occurred in this action.

4. This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332(a)(1). Accordingly, this action is one that may be removed to this Court by defendant pursuant to 28 U.S.C. § 1441 in that it is a civil action where the matter in controversy is likely to exceed the sum or value of \$75,000 exclusive of interest and costs, and is between citizens of different states.

5. Plaintiffs are at the time of Removal, and were at the time this action was commenced citizens and residents of the State of New Jersey (**Exhibit 1**)

6. Defendant, State Farm Fire and Casualty Company, is at the time of Removal, and was at the time of the institution of this action, a company organized and existing by virtue of the laws of the State of Illinois with its principal place of business in the State of Illinois.

7. Plaintiffs allege that they suffered water damage as a result of a loss that took place at their property located at 111 Rivercrest Drive, Toms River, New Jersey as a result of a water leak (**Exhibit 1**).

8. Plaintiffs further allege that State Farm breached their homeowners policy by denying the claim at issue (**Exhibit 1**).

9. As a result of the foregoing, plaintiffs demand incidental damages, compensatory damages, consequential damages, punitive damages, attorneys' fees and costs (**Exhibit 1**).

10. In Count Two, plaintiffs allege that State Farm engaged in unfair and deceptive claim settlement practices and violated the Unfair Claims Settlement Practices Act, *N.J.A.C. 11:2-17.1 et seq.* (**Exhibit 1**).

11. As a result, plaintiffs allege to have suffered damage and seek punitive damages, compensatory damages, attorneys' fees and costs (**Exhibit 1**).

12. In Count Three, plaintiffs allege that State Farm breached the implied covenant of good faith and fair dealing in the handling of plaintiffs' claim (**Exhibit 1**).

13. As a result of the foregoing, plaintiffs allege to have been damaged and seek punitive damages, compensatory damages, attorneys' fees and costs (**Exhibit 1**).

14. Based on the foregoing, the amount in controversy alleged by plaintiffs with respect to State Farm Fire and Casualty Company exceeds the \$75,000 requirement.

15. By reason of the foregoing, this action is within the Court's removal jurisdiction, pursuant to 28 U.S.C. § 1441 and 28 U.S.C. § 1332.

16. Written notice of the filing of this Notice of Removal will be served upon plaintiffs' counsel as required by law.

17. A true and complete copy of this Notice of Removal will be filed with the Clerk of the Superior Court of New Jersey, Law Division, Ocean County, as required by law.

WHEREFORE, defendant prays that this action be removed from the Superior Court of New Jersey, Law Division, Ocean County to the United States District Court for the District of New Jersey and that the United States District Court for the District of New Jersey issue such orders and process as are necessary to preserve its jurisdiction over this matter.

DATED: July 10, 2017

Respectfully submitted,
WHITE AND WILLIAMS LLP
Attorneys for Defendant,
State Farm Fire and Casualty Company

BY: 
ROBERT T. PINDULIC